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PART II

GOVERNMENT OF PAKISTAN

PAKISTAN TELECOMMUNICATION AUTHORITY

NOTIFICATION

Islamabad, the 29th January, 2016

[A notification to amend the Telecommunication Consumer Protection Regulations, 2009 published in the Gazette of Pakistan Extraordinary Part II vide S.R.O 300(I) 2009 dated 31st March, 2009]

S.R.O. 237(I)/2016.—In exercise of powers conferred under clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996 the Pakistan Telecommunication Authority hereby makes the following Regulations, namely:—

1. **Short title and Commencement.**—(1) These Regulations shall be called the Telecommunication Consumer Protection (Amendment) Regulations, 2016.

(2) These regulations shall come into force from the date of gazette notification.

(887)

Price: Rs. 5.00

[2252(16)/Ex. Gaz.]

2. **Amendment in regulation 3, S.R.O 300(I) 2009 of 2009.**—In the Telecommunication Consumer Protection Regulations, 2009, at page 1078, after clause (v) of regulation 3 the following new clause shall be inserted and read as follows:

“(v)-(a) **“Cost of Subscription”** means the rates, charges and other terms and conditions applicable for the subscription of the Telecommunication Service Promotional scheme(s)”

3. **Amendment in regulation 3, S.R.O 300(I) 2009 of 2009.**—In the Telecommunication Consumer Protection Regulations, 2009, at page 1078; after clause (vi) of regulation 3 the following new clause shall be inserted and read as follows:

“(vi)-(b) **“Permissible Incentives”** means the offer of any telecommunication service related benefit including free or additional telecommunication services, its features, and/or services offered on concessional rates excluding lottery.

(vi)-(c) **“Lottery”** for the purpose of these regulations, means the offer or undertaking to offer any prize, reward, or other similar consideration against the payment for chance to win, used as an inducement, encouragement or Telecommunication Service Promotional scheme(s) for the services provided, whereby the prizes/rewards are drawn at random for the class of subscribers”.

4. **Amendment in regulation 3, S.R.O 300(I) 2009 of 2009.**—In the Telecommunication Consumer Protection Regulations, 2009, at page 1079, after clause (xii) of regulation 3, the following new clause shall be inserted and read as follows:

“(xiii) **“Telecommunication Service Promotion Scheme(s)”** for the purpose of these regulations, means any telecom service, category of telecom service and/or package offered by an Operator, having rates along with terms and conditions, and/may include a permissible incentive or reward for subscription of such telecom service”.

5. **Insertion of new regulation after regulation 8, S.R.O 300(1) 2009 of 2009.**—In the Telecom Consumer Protection Regulations, 2009, at page 1081, after regulation 8 the following new regulation shall be inserted and read as:

“8A. **Prior Information to the Authority for the launch of Commercial Practices including an offer of any Telecommunication Service Promotional Scheme(s).**—(1) All Commercial Practices undertaken by Operators including the provision of Telecommunication Service Promotional Scheme(s) shall be devised in the manner prescribed by the Authority from time to time:

Provided that all kinds of Commercial Practices including Telecommunication Service Promotional Scheme(s) being offered by an operator, by whatever name called, comprising of any feature that goes beyond the value of money in terms of applicable tariff of a specific telecommunication service for participation in the commercial activity including Telecommunication Service Promotional Scheme(s) for that telecommunication service, shall not be allowed:

Provided that all commercial activities including Telecommunication Service Promotional Scheme(s) contrary to law shall not be launched/undertaken by an Operator.

- (2) All Operators are free to offer permissible incentives while undertaking any Commercial Practices including the offer of any Telecommunication Service Promotional Scheme(s). The permissible incentives shall comprise of telecommunication service related benefit, including, free or additional telecommunication services, its features, and/or services offered on concessional rates and excludes lottery.
- (3) Each Operator shall give information in connection with any proposed Commercial Practice including Telecommunication Promotional Scheme(s) to the Authority, at least ten (10) working days starting in the manner provided below:

Provided that the Authority may alter, restrict, suspend or impose any additional conditions in the above mentioned commercial activity or Telecommunication Service Promotional Scheme(s) if deemed necessary:

Provided further that an Operator shall take prompt measures upon direction of the Authority and submit a compliance report within three (3) working days.

- (4) All proposals for launch of a Commercial Practice including Telecommunication Promotional Scheme(s) shall include at a minimum the following information:
 - (a) A copy of the proposal of Commercial Practice including Telecommunication Promotional Scheme(s) along with all the charges, rates and complete terms and conditions.
 - (b) The proposal for information by an Operator shall be clear, transparent and non-discriminatory and shall include the following:

- i. Title and Key features of the commercial activity or Telecommunication Promotional Scheme(s);
- ii. Nature of the offer and method of conducting the above;
- iii. Duration which shall include the start and the end date;
- iv. Tariff and other charges applicable for the provisions of an individual category of service for which the Commercial Practice or Telecommunication Service Promotion Scheme is being launched;
- v. Tariff applicable for participation in the Telecommunication Service Promotion Scheme(s);
- vi. Complete details of all other charges applicable for subscription;
- vii. A complete list of the number and type of the incentives allocated to be distributed to the qualifying consumers and the parameters/benchmarks for determining the winners;
- viii. Details of Mechanism, place and date for selection of qualifying consumers;
- ix. An undertaking by the Operator that the Commercial Practice and Telecommunication Service Promotion Scheme is in compliance with the Act, Rules, Regulations and all other laws of Pakistan;
- x. An undertaking regarding inclusion of key features of the offered Telecommunication Service Promotion Scheme(s) in print media which shall be published in at least one national and local language newspaper each as well as on the licensee's website in a clear, transparent and non-discriminatory manner;
- xi. The Operator shall provide prior information as to how and when the qualifying consumer will be notified; and
- xii. Any other information required by the Authority from time to time.

- (5) An Operator shall not launch any such Commercial Practice or Telecommunication service Promotional Scheme(s) which is under consideration by the Authority”.

6. Insertion of new regulation after regulation 8A, S.R.O 300(I) 2009 of 2009.—In the Telecommunication Consumer Protection Regulations, 2009, at page 1081, after the newly inserted regulation 8A, the following new regulation shall be inserted and read as follows:

- “8B. Code of Practice for Launch of Commercial Practices.**—(1) An Operator may publicize the launch of any commercial activity including Telecommunication Service Promotion Scheme(s):

Provided that an Operator shall not send unsolicited SMS/TVR broadcast to its subscribers unless any information relating to such commercial activity including Telecommunication Service Promotion Scheme is explicitly requested/consented by its subscriber (s):

Provided further that all Operators shall adhere to the prescribed procedure by the Authority in these Regulations, when conducting/launching any Commercial Practice and/or offering any Telecommunication Service Promotional Scheme(s).

- (2) While launching any Commercial Practice/Activity including Telecommunication Service Promotion Scheme(s), the Operator shall ensure that textual information must be easily legible, prominent, and horizontal and presented in a way that does not require microscopic examination.
- (3) In case of promotions through video or audio transmission, permissible incentive, tariff other applicable charges and material information must be read out and visually displayed as the case may be. The duration for which the offer is valid should be clearly stated by providing the exact start and end dates.
- (4) All Operators shall announce the details of qualifying consumers for the permissible incentives in accordance with the mechanism prescribed for each Commercial Practice or Telecommunication Service Promotion Scheme(s) in a clear and transparent manner for the information of all consumers who expressly subscribed the Commercial Practice or Telecommunication Service Promotional Scheme(s) strictly in accordance with the terms and conditions advertised for the Telecommunication Service Promotion Scheme(s) by placement on respective websites of the operators after obtaining prior consent of the winners.

- (5) All commercial activities including promotions related to the Telecommunication Service promotional scheme(s) shall include a disclaimer and warning to the general public to be aware of fraudulent schemes/communications on behalf of the operators demanding transfer of credit/money in lieu of scheme(s).
- (6) The Operators shall keep complete records related to Commercial Activities/Practices including Telecommunication Service Promotion Scheme(s) for a period of five years from the date of launch”.

[No. F. 56/Regs/PTA/2011(Pt) 295.]

ERUM LATIF,
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